

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LAWRENCE J. RICCIO,

Plaintiff,

v.

Civil Action No. 06-722-GMS

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS, and
NAVAL INSPECTOR GENERAL.

Defendants.

ANSWER OF THE UNITED STATES OF AMERICA

COMES NOW, defendant, United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Patricia C. Hannigan, Assistant United States Attorney for the District of Delaware, and answers plaintiff's complaint as follows:

1. The allegation in paragraph 1 of the Complaint is a conclusion of law, to which no response is required.
2. Admitted that the Plaintiff was seen at the Department of Veterans' Affairs Medical Center ("VAMC"), Urgent Care Area, Wilmington, Delaware on September 21, 2001. Denied that the Plaintiff exhibited symptoms of a stroke.
3. Admitted that the impression of Plaintiff's caregivers was that he had suffered a transient ischemic attack, the Plaintiff was told to continue with aspirin and to report to the nearest emergency room if his symptoms recurred.
4. Denied that Plaintiff was released "without the benefit of any testing." A CT scan, a carotid ultrasound and an EKG were taken before the Plaintiff was released. The United States

is without information sufficient to admit or deny the remaining allegations in paragraph 4 of the Complaint.

5. Denied that the VA health care providers failed "to properly diagnose and treat [Plaintiff's] condition". The United States is without information sufficient to admit or deny the remaining allegations in paragraph 5 of the Complaint.

6. Admitted that Plaintiff was subsequently hospitalized at the Wilmington VAMC. Denied that the "defendant, its agents, servants and/or employees failed to provide proper medical and rehabilitative care to him."

7. Negligence is denied. The United States is without information sufficient to admit or deny the remaining allegations in paragraph 7 of the complaint.

WHEREFORE, having fully answered, the United States of America prays that the Complaint be dismissed in its entirety, and that judgment be entered in favor of the United States of America.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

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Dated: February 12, 2007

CERTIFICATE OF SERVICE

I, Patricia C. Hannigan, hereby certify that on **February 12, 2007**, I electronically filed the foregoing **ANSWER OF THE UNITED STATES OF AMERICA** with the Clerk of the Court using CM/ECF. Notification of the filing will be served via United States First Class Mail and delivered to the following:

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